

## **REMARKS**

Upon entry of the foregoing Amendment, claims 1-31 are pending in the present application. Claims 1, 4, 9, 12, 18, 24, and 27-29 are amended. No claims are added or cancelled. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

### ***Examiner Interview***

Applicant would like to thank Examiner Serrao and Examiner Coulter for the courtesies extended to Applicant's representatives (Mr. Toering and Mr. Jelinek) during the Examiner Interview on March 22, 2007. A summary of the substance of the interview was provided by Examiner Serrao.

### ***Rejections under 35. U.S.C. §§ 102 and 103***

#### **CLAIMS 9-17 AND 28-31**

The Examiner has rejected claims 9-12 and 28-31 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,272,537 to Kekic et al. (hereinafter "Kekic"). Applicant traverses this rejection for at least the reason that Kekic fails to disclose all of the claim features.

For example, Kekic does not disclose *at least* the following features of claim 9:

monitoring a first managed device with a first agent executing on the first managed device, wherein the first agent gathers dependency data describing either a provider or a consumer dependency relationship between the first managed device and a second device, wherein said provider dependency relationship indicates that a problem at the first managed device will propagate to the second device, and said consumer dependency relationship indicates that a problem at the second device will propagate to the first managed device; and

initiating, by the first managed device, a second agent to monitor the second device based on the dependency data gathered by the first agent, wherein the second agent executes on the second device.

The Examiner alleges that Kekic teaches "the first agent gathers dependency data describing a dependency relationship between the first managed device and a second device (col. 8, lines 21-34)". However, the relied upon portion of Kekic, reproduced below, is silent as to the use of agents and the gathering of dependency data.

The managed element server also interacts with managed element server clients. In one embodiment, the managed element server client is implemented as a JAVA applet and is running inside a World-Wide Web Browser or a JAVA Applet Viewer. The JAVA applet is downloaded from the managed element server. The JAVA applet includes information that allows a user a) to monitor the operation of each of the managed computer network elements, b) to edit the event management for the managed computer network elements by reconfiguring the event management model in the element manager object for the network element, and c) in one embodiment, to use a visual element manager builder that permits both building and editing of element managers.

Furthermore, the Examiner alleges that Kekic teaches "starting a second agent to monitor the second device based on the dependency data gathered by the first agent... (col. 13, line 60-column 14, line 6)". The relied upon portion of Kekic, reproduced below, is silent as to agents and the starting of agents.

Managed element server 314 and managed element client 391 are platform independent computer processes and can be executed on any computer platform that supports the platform independent computer language in which server 314 and client 391 are written. This is particularly advantageous because it is unnecessary to write a different version of the client 391 and server 314 for each of the different computing platforms found on heterogeneous computer network 300. In one embodiment, client 391 and server 314 are written in the JAVA programming language, and are able to take advantage of the languages' inherent simplicity, flexibility, robustness, security, and other object-oriented technology strengths, as described more completely below. (JAVA is a trademark of Sun Microsystems, Inc.)

At best, these portions of Kekic describe computer processes that are platform independent. However, these portions are not relevant to the initiation of an agent on one device based on dependency information extracted by another agent executing on another device as set forth in claim 9, for example. Independent claim 28 includes similar features, among other things. For *at least* this reason, Kekic fails to disclose, teach, or suggest all of the claim features of independent claims 9 and 28. Claims 10-11 depend from independent claim 9

and are patentable for the reasons noted above with respect to claim 9, as well as for the features they recited individually.

In addition, Kekic does not disclose *at least* the following feature of claim 12:

displaying a non-root managed device having either a provider or a consumer dependency relationship with the root managed device, wherein said provider dependency relationship indicates that a problem at the non-root managed device will propagate to root managed device, and said consumer dependency relationship indicates that a problem at the root managed device will propagate to the non-root managed device and where the dependency relationship has a length of at least one, the displaying including indenting the representation of the non-root managed device a predetermined distance away from the border, greater than the root distance and dependent upon the length of the dependency relationship.

The Examiner alleges that Kekic teaches this feature in col. 23, lines 26-50, see Office Action pg. 4. This portion of Kekic, apparently teaches a folder navigation tree. However, Kekic is silent as to a dependency relationship between the folders and "indenting the representation of the non-root managed device ... dependent upon the length of the dependency relationship."

For *at least* these reasons, Kekic fails to disclose, teach, or suggest all of the claim features of independent claim 12. Claims 13-17 depend from independent claim 12 and are patentable for the reasons noted above with respect to claim 12, as well as for the features they recited individually. Accordingly, the rejections of claims 9-17 and 28-31 are improper and must be withdrawn.

#### CLAIMS 1-8 and 24-27

The Examiner has rejected claims 1-8 and 24-27 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kekic in view of U.S. Patent No. 6,286,038 to Reichmeyer et al. (hereinafter "Reichmeyer"). Applicant traverses these rejections at least on the grounds that (1) the cited references do not teach or suggest all of the features of the claimed invention, and/or (2) there is no legally proper motivation for combining the cited references.

For example, claim 1 recites the features of:

extracting, via the software agent, dependency data from the configuration data, the dependency data specifying either provider or consumer dependency relationships between the first networked resource and one or more other networked resources, wherein said provider dependency relationship indicates that a problem at the first networked resource will propagate to the one or more other networked resources, and said consumer dependency relationship indicates that a problem at the one or more other networked resources will propagate to the first networked resource;

The Examiner relies on col. 49, lines 36-39; and col. 5, lines 8-14 to teach these features. The Examiner further alleges that “the network element contains the agent process, therefore the agent process has dependency on the element”, see Office Action, pg. 4. The relied upon portion of Kekic does not teach extracting dependency data from configuration data, presumably from the Kekic’s MIB’s. Furthermore, even assuming, *arguendo*, that the agent process has dependency on a network element because the network element contains the agent process, Kekic would not teach that the dependency data specifies a dependency relationship *between networked resources*.

In addition, the Examiner *concedes* in the rejection of claim 4 that [Kekic] “fails to teach extracting, via the agent, dependency data from the configuration data, the dependency data specifying dependency relationships between the first managed device and one or more other managed resources”, see Office action, pgs. 5-6. This is inconsistent with the Examiner’s rejection of claim 1. In the event that these rejections are maintained, Applicant requests that clarification be provided.

For *at least* the reason that Kekic and Reichmeyer, either alone or in combination, fail to teach all of the features of claim 1, the rejection is improper and should be withdrawn. Independent claims 4, 24, and 27 include similar features. Claims 2-3, 5-8, and 25-26 depend from independent claims 1, 4, and 24 are patentable for the reasons above with respect to claim 1, as well as for the features they recite individually.

Claims 18-23

The Examiner has rejected claim 18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. No. 6,516,345 to Kracht (hereinafter "Kracht") in view of U.S. Patent Pub. No. 2002/0078464 to Dravida *et al.* (hereinafter "Dravida"). Applicant traverses these rejections at least on the grounds that (1) the cited references do not teach or suggest all of the features of the claimed invention, and/or (2) there is no legally proper motivation for combining the cited references.

For example, claim 18 recites the feature of:

extracting, via the plurality of software agents, dependency data from the gathered configuration data, the dependency data including data specifying either provider or consumer dependency relationships between the networked resources, wherein said provider dependency relationship indicates that a problem at a first networked resource will propagate to a second networked resource, and said consumer dependency relationship indicates that a problem at the second networked resource will propagate to the first networked resource;

The Examiner alleges that Kracht teaches these features in col. 6, lines 11-16. The relied upon portion of Kracht is reproduced below.

A discovery mechanism is provided for determining the physical topology of network devices in a network. In one embodiment, the discovery mechanism determines a set of network addresses for identifying devices within a network. The discovery mechanism then identifies a group of devices that are associated with the network address.

Kracht apparently teaches determining the physical topology of networked devices. However, the relied upon portion of Kracht does not teach extracting dependency data. Furthermore, the relied upon portion of Kracht does not teach that "said provider dependency relationship indicates that a problem at a first networked resource will propagate to a second networked resource, and said consumer dependency relationship indicates that a problem at the second networked resource will propagate to the first networked resource".

For *at least* the reason that Kracht and Dravida, either alone or in combination fail to teach all of the claim features, the rejection of claim 18 is improper and should be withdrawn. Claims 9-23 depend from claim 18 and are submitted to be patentable for

the reasons above with respect to claim 18, as well as for the features they recited individually.

## ***CONCLUSION***

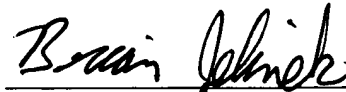
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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